

residue on raw agricultural commodities or processed foods or modifying or revoking an exemption from tolerance for such residue.

(b) Any person may file with the Administrator a petition proposing the issuance of a regulation modifying or revoking a tolerance or exemption from a tolerance for a pesticide chemical residue. The petition shall furnish reasonable grounds for the action sought. Reasonable grounds shall include an explanation showing wherein the person has a substantial interest in such tolerance or exemption from tolerance and an assertion of facts (supported by data if available) showing that new uses for the pesticide chemical have been developed or old uses abandoned, that new data are available as to toxicity of the chemical, or that experience with the application of the tolerance or exemption from tolerance may justify its modification or revocation. Evidence that a person has registered or has submitted an application for the registration of an pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act will be regarded as evidence that the person has a substantial interest in a tolerance or exemption from the requirement of a tolerance for a pesticide chemical that consists in whole or in part of the pesticide. New data should be furnished in the form specified in § 180.7(b) for submitting petitions, as applicable.

(c) The procedures for completing action on an Administrator initiated proposal or a petition shall be those specified in §§ 180.29 and 180.7, as applicable.

■ 33. Section 180.33 is amended as follows:

■ a. In paragraphs (a), (b), (c), and (h) remove the phrase "or request".

■ b. Remove paragraph (j) and redesignate existing paragraphs (k) through (p) as paragraphs (j) through (o), respectively.

■ c. In newly designated paragraph (j) revise "408(d)(5) or (e)" to read "408(h)".

■ d. In newly designated paragraph (l) remove the phrase "Registration Division (7505C)".

■ e. In newly designated paragraph (m) remove the phrase "Registration Division, (7505C)".

■ f. Revise paragraph (f) and the third sentence to newly designated paragraph (l) to read as follows:

#### § 180.33 Fees.

\* \* \* \* \*

(f) Each petition for revocation of a tolerance shall be accompanied by a fee of \$10,125. Such fee is not required when, in connection with the change sought under this paragraph, a petition

is filed for the establishment of new tolerances to take the place of those sought to be revoked and a fee is paid as required by paragraph (a) of this section.

\* \* \* \* \*

(l) \* \* \* A fee of \$2,025 shall accompany every request for a waiver or refund, as specified in paragraph (m) of this section, except that the fee under this paragraph shall not be imposed on any person who has no financial interest in any action requested by such person under paragraphs (a) through (j) of this section. \* \* \*

\* \* \* \* \*

■ 34. Section 180.40 is amended by revising the last sentence in paragraph (f) to read as follows:

#### § 180.40 Tolerances for crop groups.

\* \* \* \* \*

(f) \* \* \* Processing data will be required prior to establishment of a group tolerance. Tolerances will not be granted on a group basis as to processed foods prepared from crops covered by the group tolerance.

\* \* \* \* \*

■ 35. Section 180.1229 is added to subpart D to read as follows:

#### § 180.1229 Benzaldehyde; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of benzaldehyde when used as a bee repellent in the harvesting of honey.

■ 36. Section 180.1230 is added to subpart D to read as follows:

#### § 180.1230 Ferrous sulfate; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of ferrous sulfate.

■ 37. Section 180.1231 is added to subpart D to read as follows:

#### § 180.1231 Lime; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of lime.

■ 38. Section 180.1232 is added to subpart D to read as follows:

#### § 180.1232 Lime-sulfur; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of lime-sulfur.

■ 39. Section 180.1233 is added to subpart D to read as follows:

#### § 180.1233 Potassium sorbate; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of potassium sorbate.

■ 40. Section 180.1234 is added to subpart D to read as follows:

#### § 180.1234 Sodium carbonate; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of sodium carbonate.

■ 41. Section 180.1235 is added to subpart D to read as follows:

#### § 180.1235 Sodium hypochlorite; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of sodium hypochlorite.

■ 42. Section 180.1236 is added to subpart D to read as follows:

#### § 180.1236 Sulfur; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of sulfur.

■ 43. Section 180.1237 is added to subpart D to read as follows:

#### § 180.1237 Sodium metasilicate; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of sodium metasilicate when used as plant desiccants, so long as the metasilicate does not exceed 4% by weight in aqueous solution.

■ 44. Section 180.1238 is added to subpart D to read as follows:

#### § 180.1238 Oil of lemon; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of oil of lemon when used as a postharvest fungicide.

■ 45. Section 180.1239 is added to subpart D to read as follows:

#### § 180.1239 Oil of orange; exemption from the requirement of a tolerance.

An exemption from the requirement of a tolerance is established for residues of oil of orange when used as a postharvest fungicide.

[FR Doc. 05-11384 Filed 6-7-05; 8:45 am]

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## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[R06-OAR-2005-NM-0001; FRL-7921-8]

### Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Albuquerque/Bernalillo County

AGENCY: Environmental Protection Agency (EPA).

**ACTION:** Direct final rule; withdrawal.

**SUMMARY:** On April 14, 2005 EPA published a direct final rule (71 FR 19702) approving revisions to the New Mexico State Implementation Plan (SIP) concerning the second ten-year carbon monoxide (CO) maintenance plan for the Albuquerque/Bernalillo County, New Mexico area. The revision was based on a request from the State submitted to EPA on September 7, 2004. In the proposed rules section of the April 14, 2005 **Federal Register** (71 FR 19723), we stated that written comment must be received by May 16, 2005. We received written adverse comments during the public comment period on our April 14, 2005 rulemaking action. The EPA is withdrawing this final rule due to the adverse comments received on this rulemaking action. In a subsequent final rule, we will summarize and respond to written comments received and take final rulemaking action on this requested New Mexico SIP revision.

**DATES:** The direct final rule published at 71 FR 19702 is withdrawn on June 8, 2005.

**ADDRESSES:** Copies of the documents relevant to this action are available for public inspection during normal business hours at the following location.

Environmental Protection Agency, Region 6, Air Planning Section (6PD-L), 1445 Ross Avenue, Dallas, Texas 75202-2733.

**FOR FURTHER INFORMATION CONTACT:** Mr. Alan Shar, Air Planning Section (6PD-L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202-2733, telephone (214) 665-6691, and [shar.alan@epa.gov](mailto:shar.alan@epa.gov).

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Intergovernmental relations, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: May 31, 2005.

**Richard E. Greene,**

*Regional Administrator, Region 6.*

Accordingly, under the authority of 42 U.S.C 7401-7671q, the direct final rule published on April 14, 2005 (71 FR 19702), with the effective date of June 13, 2005 is withdrawn.

[FR Doc. 05-11272 Filed 6-7-05; 8:45 am]

**BILLING CODE** 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Parts 52 and 81

[R03-OAR-2004-WV-0003; FRL-7922-1]

#### Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the New Manchester-Grant Magisterial District SO<sub>2</sub> Nonattainment Area and Approval of the Maintenance Plan

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is taking direct final action to approve a request by the State of West Virginia to redesignate the New Manchester-Grant Magisterial District sulfur dioxide (SO<sub>2</sub>) nonattainment area in Hancock County, West Virginia from nonattainment to attainment of the national ambient air quality standards (NAAQS) for SO<sub>2</sub>. EPA is also approving the maintenance plan for this area submitted by the State of West Virginia as a revision to the West Virginia State Implementation Plan (SIP). This plan provides for the maintenance of the NAAQS for SO<sub>2</sub> for the next ten years. These actions are being taken in accordance with the Clean Air Act (CAA or the Act).

**DATES:** This rule is effective on August 8, 2005 without further notice, unless EPA receives adverse written comment by July 8, 2005. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Regional Material in EDocket (RME) ID Number R03-OAR-2004-WV-0003 by one of the following methods:

A. Federal eRulemaking Portal: <http://www.regulations.gov>. Follow the on-line instructions for submitting comments.

B. Agency Web site: <http://www.docket.epa.gov/rmepub/>. RME, EPA's electronic public docket and comment system, is EPA's preferred method for receiving comments. Follow the on-line instructions for submitting comments.

C. E-mail: [campbell.dave@epa.gov](mailto:campbell.dave@epa.gov).

D. Mail: R03-OAR-2004-WV-0003, David Campbell, Chief, Air Quality Planning Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103.

E. Hand Delivery: At the previously-listed EPA Region III address. Such

deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

**Instructions:** Direct your comments to RME ID No. R03-OAR-2004-WV-0003. EPA's policy is that all comments received will be included in the public docket without change, and may be made available online at <http://www.docket.epa.gov/rmepub/>, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through RME, [regulations.gov](http://regulations.gov) or e-mail. The EPA RME and the Federal [regulations.gov](http://regulations.gov) Web sites are an "anonymous access" system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through RME or [regulations.gov](http://regulations.gov), your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

**Docket:** All documents in the electronic docket are listed in the RME index at <http://www.docket.epa.gov/rmepub/>. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in RME or in hard copy during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the State submittal are available at the West Virginia Department of Environmental Protection, Division of Air Quality, 7012 MacCorkle Avenue, SE., Charleston, West Virginia 25304-2943.